

IN RE: PETITION FOR SPECIAL HEARING
E/S Roland Avenue, 270' S of
the c/l of Slade Avenue
(515 Roland Avenue)
3rd Election District
2nd Councilmanic District
Evelyn R. Fishel
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-145-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a two-family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Glenn Watson and Petitioner's children Nancy Hampt, Susan Mack, Robert Fishel, Evelyn Fishel and Nora Fishel Dolon. Appearing as a Protestant in the matter was Steven Sachs.

Testimony indicated that the subject property, known as 515 Roland Avenue, consists of 7,926 sq.ft. zoned D.R. 5.5 and is improved with a dwelling used as two apartments. Mrs. Fishel testified that she and her late husband purchased the property and constructed the existing dwelling as two-apartments in 1955. Testimony indicated that the basement level was initially set up as an apartment with an exterior entrance for Mr. Fishel's great aunt who had raised him. Mr. Fishel's aunt had lived with them for approximately seven years until her death, at which time, Mrs. Fishel's mother moved in. Mrs. Fishel and her husband at all times resided in the apartment on the first and second floors. Testimony indicated that various relatives of Petitioner's have resided in the basement apartment until Petitioner and her husband moved to the basement apartment

approximately 12 years ago. At that time, Petitioner's daughter along with her family moved into the apartment on the first and second floors of the subject dwelling. Testimony indicated that from the beginning, the dwelling was planned as a two-family dwelling and that to the best of her knowledge, the building permit was issued for same. Testimony indicated that the occupancy of the dwelling as a two-family dwelling has been continuous and without interruption since its construction. In support of her request, Petitioner introduced a floor plan of the subject property marked Petitioner's Exhibit 4 and photographs of the property marked Petitioner's Exhibit 5.

Glenn Watson testified that he has been familiar with the property for the past 30 years. He testified that at age 8 he played with the Fishel children and has been in the subject dwelling on numerous occasions. Mr. Watson testified that at all times the property was used as a two-apartment dwelling.

Steven Sachs testified that he currently resides at 512 Roland Avenue and owns the adjoining property at 514 Roland Avenue which he rents out. He argued that the granting of the variance requested would depreciate the value of the surrounding properties. Mr. Sachs further testified that he believed there were parking problems in the area. As explained at the hearing, the Petitioner's request is not for variances but for a determination as to whether or not a nonconforming use of the subject property as a two-family dwelling exists.

After due consideration of the testimony and evidence presented, it is clear that the use of the subject property as a two-family dwelling has been continuous and without interruption since its construction in 1955. Testimony indicated that the Petitioner had no notice of a problem

with the use of the property as a two-family dwelling until a complaint was filed in May, 1990. Petitioner argued that at the time of construction of the property, permits were issued which authorized the use of the property as a two-family dwelling. Testimony indicated the property was then zoned R-6 which permitted two family dwellings, provided certain requirements were met. A review of the site plan would indicate that the subject property is shy of the area requirements for a two-apartment dwelling; however, the undisputed evidence is that permits were issued for same and the use has been continuous and without interruption since 1955.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of November, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

Baltimore County
Zoning Commissioner
Townson, Maryland 21204

J. Eric DiNenna, Esquire
109 Washington Avenue, Suite 603
Townson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S Roland Avenue, 270' S of the c/l of Slade Avenue
(515 Roland Avenue)
3rd Election District - 2nd Councilmanic District
Evelyn R. Fishel - Petitioner
Case No. 91-145-SPH

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
ANN M. NASTAROWICZ

Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: Mr. Steven Sachs
512 Roland Avenue, Pikesville, Md. 21208

Mr. Marvin M. Morrison, President
Ratston Community Association
620 Military Avenue, Pikesville, Md. 21208

People's Counsel

File

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 5007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of a two-family dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Evelyn R. Fishel
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s): Evelyn R. Fishel
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner: 515 Roland Avenue 486-0579
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: Pikesville, Md. 21208

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ECO-1

(over)

ORDER RECEIVED FOR FILING

Date 11/27/90
By [Signature]

Beginning on the east side of Roland Avenue, 42 feet wide, at the distance of 270 feet south of the centerline of Slade Avenue. Being Lots 43, 44, and 45 of the subdivision of Warren's Addition, Plat 3, Book 3, Folio 139. Also known as 515 Roland Avenue containing .182 acres in the 3rd Election District.

NEARLY NEW SALE
Woodmoor Sisterhood
Sunday, Nov. 4th
9 a.m.-5 p.m.
3605 Coronado Road
(off Belt exit 19W, RMD)

REAL ESTATE
MILBROOK-Crestedgates, HDG
Price, carpeted throughout, great
cond. Asking \$59,000. 764-6485.
Lee & Assoc. 532-7555. EHO.

LEGAL NOTICE
NOTICE OF HEARING
The Zoning Commission of Baltimore
County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a
public hearing on the property described herein
in Room 108 of the County Office Building
located at 111 W. Chesapeake Avenue in
Towson, Maryland 21204 on **MONDAY NOVEMBER 16, 1990**
at **9:30 a.m.**
Special Hearing: The nonconforming use of a
two-family dwelling.
Case Number 91-145-SPH
E/S Roland Avenue, 270' S of c/l of Slade
Avenue.
3rd Election District - 2nd Councilmanic
District.
Petitioner: Evelyn R. Fishel
Zoning Commissioner of
Baltimore County

PERSONAL SERVICE
BONE TYPING—for all your typ-
ing needs. Call Karen, 486-8735.

REAL ESTATE
38 ACRES Southern Colorado,
\$12,500 \$155 down. 124 payments
of \$155 8%. Near mountains,
surrounded. Call owner anytime.
1-800-376-8690.

AUTOMOTIVE
1981 CHEVY CAMARO Berlina.
Project car. Asking \$1,300.
563-4788.

BUSINESS SERVICE
CLASSIC RESUMES & GENERAL
TYPING SERVICES—Composition,
editing, printing. Disk storage
included. 659-5707.

FOR RENT
DON'T READ
THIS AD ...
UNLESS YOU WANT TO SAVE
MONEY & IMPROVE YOUR STANDARD
OF LIVING.
• Shop-liner kitchens • Frost-free refrigerator
• Some apts. with well-furnished carpet
• Individual storage and laundry facilities
• Spacious Closets • Pool with new sun deck
• Convenient to shopping & 411 bus line
We now have 1, 2 & 3 bedroom apts.
available for leasing.
AFFORDABLE LIVING FOR THOSE
WITH DISTINCTIVE TASTE
Liberty West Apartments
Find Us - We're Worth It
Mon-Fri 10-6, Sat 12-5
922-3683
EHO

11 October 1990 Northwest STAR Page 21

CERTIFICATE OF PUBLICATION

Pikesville, Md., 10/31/90
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 1st day of Nov 19 90
the first publication appearing on the 31st day of OCT 19 90
the second publication appearing on the _____ day of _____ 19 ____
the third publication appearing on the _____ day of _____ 19 ____

THE NORTHWEST STAR

Manager [Signature]
Cost of Advertisement \$20

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:
Petition for Special Hearing
Case Number: 91-145-SPH
E/S Roland Avenue, 270' S of c/l of Slade Avenue
515 Roland Avenue
3rd Election District
2nd Councilmanic
Petitioner(s): Evelyn R. Fishel
Hearing Date: Monday, November 26, 1990 at 9:30 a.m.
J. Robert Haines
Zoning Commissioner
November 1, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-2, 19 90
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-31, 19 90

THE JEFFERSONIAN,

S. Zebe Orlin
Publisher

\$ 29.89

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150
Number

receipt
No 3293

8/27/90

H91000B4

PUBLIC HEARING FEES QTY PRICE
030 -SPECIAL HEARING (IRL) 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: FISHEL

04A04#0039WICHR
BA C00413P008-27-90 \$35.00

Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150
Number

receipt
No 3947

Date

11/21/90

H910044B

PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$117.17
TOTAL: \$117.17
LAST NAME OF OWNER: FISHEL

04A04#0028WICHR
BA C008151AH11-26-90 \$117.17

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 11-16-90

Evelyn R. Fishel
515 Roland Avenue
Pikesville, Maryland 21208

Re: Petition for Special Hearing
CASE NUMBER: 91-145-SPH
E/S Roland Avenue, 270' S of c/l of Slade Avenue
515 Roland Avenue
3rd Election District - 2nd Councilmanic
Petitioner(s): Evelyn R. Fishel
HEARING: MONDAY, NOVEMBER 26, 1990 at 9:30 a.m.

Dear Petitioner:

Please be advised that \$ 117.17 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 16, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-145-SPH
E/S Roland Avenue, 270' S of c/l of Slade Avenue
515 Roland Avenue
3rd Election District - 2nd Councilmanic
Petitioner(s): Evelyn R. Fishel
HEARING: MONDAY, NOVEMBER 26, 1990 at 9:30 a.m.

Special Hearings: The nonconforming use of a two-family dwelling.

cc: Evelyn R. Fishel
Marc Cohen
Steve Sachs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 13, 1990

Ms. Evelyn R. Fishel
515 Roland Avenue
Pikesville, MD 21208

RE: Item No. 84, Case No. 91-145-SPH
Petitioner: Evelyn R. Fishel
Petition for Special Hearing

Dear Ms. Fishel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 19th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Evelyn R. Fishel
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 12, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Evelyn R. Fishel, Item No. 84

The Petitioner requests a Special Hearing to approve the non-conforming use of a two-family dwelling.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM84/ZAC1

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

SEPTEMBER 19, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EVELYN R. FISHEL
Location: #515 ROLAND AVENUE
Item No.: 84 Zoning Agenda: SEPTEMBER 18, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Pat Keller 9/19/90 Noted and Approved by: J. F. Brady
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

RECEIVED
9/21/90

ove

